



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 ELM STREET, SUITE 500  
DALLAS, TEXAS 75270

September 3, 2020

Jacob Harper  
Arkansas Department of Energy and Environment  
5301 Northshore Drive  
Little Rock, AR 72118-5317

Re: EPA comments on proposed 2019 triennial revisions to Arkansas's Regulation No. 2

Dear Mr. Harper:

The U.S. Environmental Protection Agency (EPA) would like to provide the enclosed comments on the Arkansas Department of Energy and Environment, Division of Environmental Quality's (ADEQ) proposed amendments to *Regulation No. 2: Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas*. These revisions were considered by the Arkansas Pollution Control and Ecology Commission (Commission) in its June 26, 2020 meeting to consider the ADEQ's petition to initiate rulemaking. These amendments were subsequently presented at the Commissions public hearing on July 29, 2020.

In its review, the EPA noted that Regulation 2 includes some significant proposed revisions, many addressing issues from prior EPA actions. In the enclosed document, we have included comments and recommendations that should be addressed prior to submission to the EPA for action. We also noted a number of revisions made in response to changes in State law. The majority of these are considered nonsubstantive with regard to the Clean Water Act (CWA) and its implementing regulation and do not require direct comment. Our enclosed comments follow the ADEQ's original "Master List" format for consistency with our prior comments, excluding nonsubstantive revisions. Please note that the enclosed questions, comments and recommendations do not constitute a determination by the EPA under CWA §303(c). Approval/disapproval decisions will be made by the Region following the adoption of new/revised standards by the Commission and their formal submission to the EPA.

Thank you for the opportunity to provide these comments on the proposed 2019 triennial revisions to Regulation 2. If you have any questions or concerns, please contact me at (214) 665- 8138, or have your staff contact Russell Nelson at (214) 665-6646 or [nelson.russell@epa.gov](mailto:nelson.russell@epa.gov).

Sincerely,

*Maria L. Martinez*

Maria L. Martinez  
Chief  
Permitting & Water Quality Branch

Enclosure

cc: Becky Keogh, Secretary, Arkansas Department of Energy and Environment  
Robert Blanz, Ph.D., Associate Director, Office of Water Quality  
Joe Martin, Branch Manager, Water Quality Planning, ADEQ